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DATE: October 12, 2005 **FILE:** UTS:264US/10506328

TO: Patricia Booker

COMPANY: United States Patent and Trademark Office – PCT Office

FAX NO.: 703-746-6695

FROM: Steven L. Highlander

SENDER'S

PHONE: (512) 536-3184

**RETURN
ORIGINAL TO:** Christopher Jackson

FLOOR: 20th

NO. OF PAGES TOTAL: 7 **ORIGINAL: WILL NOT FOLLOW**

COMMENTS:

Ms. Booker –

Per my conversation this morning, I am enclosing a copy of our filing via certificate of mailing of the Petition to Revive and Supplemental Transmittal. Your help in this matter is greatly appreciated and if you have any questions, please do not hesitate to contact our office at (512) 536-3118.

Thank You

REC

Christopher Jackson

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PTO-1390 (Rev. 02-2008)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|--|---|---|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER UTSH:264US |
| INTERNATIONAL APPLICATION NO. PCT/US2003/041182 | INTERNATIONAL FILING DATE 22 DECEMBER 2003 | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/539,956 |
| | | PRIORITY DATE CLAIMED 20 DECEMBER 2002 |
| TITLE OF INVENTION VMP-LIKE SEQUENCES OF PATHOGENIC BORRELIA SPECIES AND STRAINS | | |
| APPLICANT(S) FOR DO/EO/US Steven J. Nomis | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> Is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> Is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: PETITION FOR REVIVAL OF AN INT'L. APPL. FOR PATENT DESIGN. THE US ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b); \$1,250.00 CHECK AND POSTCARD. | | |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 02-2005)

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| | | | | | |
|--|--------------|--|---------|----------------------------|--------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. | | ATTORNEY'S DOCKET NUMBER | |
| 10/539,956 | | PCT/US2003/041182 | | UTSH:264US | |
| The following fees have been submitted | | | | CALCULATIONS | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee..... | | | | \$ 300 | \$ 300.00 |
| 22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... | | | | \$ 100 | |
| All other situations..... | | | | \$ 200 | |
| 23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... | | | | \$ 500 | |
| International Search Report prepared and provided to the Office..... | | | | \$ 400 | |
| All other situations..... | | | | \$ 500 | |
| TOTAL OF 21, 22 and 23 = | | | | \$ 1,000.00 | 501212 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| - 100 = | /50 = | | x \$250 | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | \$ | 06/11 50 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | - 20 = | | x \$ 50 | \$ | |
| Independent claims | - 3 = | | x \$200 | \$ | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$360 | \$ |
| TOTAL OF ABOVE CALCULATIONS = | | | | 09/2005 WALVARA 0019473600 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 50%. | | | | Name/Number: 10339756 | |
| | | | | 500.00 | 00 CR |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.20, 3.31), \$40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ 500.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged: | \$ |

- A check in the amount of \$ 1,250.00 to cover the above fees is enclosed.
- Please charge my Deposit Account No. in the amount of \$ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1212. A duplicate copy of this sheet is enclosed.
- Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

SIGNATURE

Travis M. Wohlers

NAME

57,423

REGISTRATION NUMBER

CUSTOMER NO. 32425

EXPRESS MAIL NO: EV 448720308 US
MAILING DATE: OCTOBER 12, 2005

PTO/SB/64/PCT (12-04)

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
UTSH:264US

First Named Inventor: Steven J. Norris

International (PCT) Application No.: PCT/US03/041182

U.S. Application No.: 10/538,956
(If known)

Filed: June 17, 2005

Title: VMP-LIKE SEQUENCES OF PATHOGENIC BORRELIA SPECIES AND STRAINS

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity - fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
Trans. to the US/DO/EO Under Sec. 371 Submitting the Basic National Filing (identify type of reply):
Fee, Examination Fee and Search Fee.

has been filed previously on _____.

Is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64/PCT (12-04)

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3. Terminal disclaimer with disclaimer fee

Since this International application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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Signature

10/12/05

Date

Travis M. Wohlers

57,423

Typed or Printed Name

Registration Number, if applicable

Fulbright & Jaworski, LLP, 600 Congress Ave., Suite 2400,

612-536-5654

Address

Telephone Number

Austin, Texas 78701

Address

Enclosures: Response
 Fee Payment
 Terminal Disclaimer
 Other (please identify):
 Postcard

[Page 2 of 2]

Please indicate receipt of the below-identified paper:

Priority Date:

| | | | |
|---|--|------------------------------------|--|
| <input type="checkbox"/> New Application For: | | | |
| <input type="checkbox"/> Foreign priority already claimed | <input type="checkbox"/> Continuation | <input type="checkbox"/> CIP | <input type="checkbox"/> Divisional |
| | | | <input type="checkbox"/> CPA |
| <input type="checkbox"/> Specification: | Pages | <input type="checkbox"/> Drawings: | Sheets |
| | | | <input type="checkbox"/> Final Rejection |
| <input type="checkbox"/> Response to Office Action Dated: | | | |
| <input checked="" type="checkbox"/> Other: Trans. Ltr. to the US Design/Elect. Off. (DOE/US) Concern, a Sub. Under 35 USC 371; Petition for Revival of an Int'l. Appl. for Patent Design in the US Abandoned Unintentionally Under 37 CFR 1.137(b); \$1,250 Check and Postcard. | <input type="checkbox"/> Cert. of Timely Mailing | | |
| <input type="checkbox"/> Assignment Enclosed | <input checked="" type="checkbox"/> Exp. Mail: EV448720308US | | |

IDENTIFICATION OF APPLICATION

| | |
|--|-------------------------------------|
| Serial No.: | 10/539,956 |
| Title: VMP-LIKE SEQUENCES OF PATHOGENIC BORRELIA SPECIES AND STRAINS | |
| Attorney: | MBW/TMW |
| F&J File No.: | UTSH-264US |
| Client: | UT HEALTH SCIENCE CENTER AT HOUSTON |
| Mailed: | Filed: 10/12/05 Due Date: |